

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY E. JOHNSON,

Case No.: 2:22-cv-00642-JAD-DJA

Petitioner

V.

CALVIN JOHNSON, *et al.*,

Respondents

**Order Denying Petitioner's Motion for
Appointment of Counsel and Granting
Respondent's Motion to Extend Time to
Respond to Petition
to November 17, 2022**

[ECF Nos. 9, 11]

Jerry E. Johnson moves the court to appoint him counsel in this habeas corpus proceeding

10 that challenges his 2017 state-court conviction for sexual assault.¹ There is no constitutional
11 right to appointed counsel for a federal habeas corpus proceeding,² but the court must appoint an
12 attorney if (1) a case is so complex denying counsel would deny due process or (2) the
13 petitioner's education is so limited that he is incapable of fairly presenting his claims.³ Johnson
14 offers a number of reasons that he believes counsel is necessary, including that he is facing a
15 lengthy sentence, has no legal training, and maintains his innocence.⁴ But his petition is
16 sufficiently clear in presenting the issues that he wishes to bring, and the issues in this case are
17 not particularly complex. So it does not appear that appointment of counsel is warranted here.

1 ECF No. 9.

² *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993).

³ *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984); *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

4 ECF No. 9.

1 IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel

2 **[ECF No. 9] is DENIED.**

3 And, with good cause appearing, IT IS FURTHER ORDERED that respondents' motion
4 for extension of time to respond to the petition for writ of habeas corpus **[ECF No. 11] is**
5 **GRANTED. The deadline to respond is extended to November 17, 2022.**

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7 
8 U.S. District Judge Jennifer A. Dorsey
9 October 4, 2022

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